

#46803



**Westlake  
Chemical**

2801 Post Oak Blvd., Suite 600 • Houston, Texas 77056  
Tel 713.960.9111 • Fax 713.963.1562

January 29, 2020

Mr. Toby Baker, Executive Director  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

Dear Mr. Baker,

Pursuant to 30 TAC § 20.15, I am respectfully petitioning the Texas Commission on Environmental Quality (TCEQ) to undertake an amendment to 30 TAC Chapter 335. The statutory authority for this TCEQ rulemaking is under *Texas Water Code*, §§ 5.103 and 5.105, and under *Texas Health and Safety Code*, §§ 361.017 and 361.024. The purpose of this revision is to incorporate into the TCEQ's waste rules the recent Environmental Protection Agency's (EPA) adoption of the change in 40 CFR Part 273 listing aerosol cans as a universal waste, published in the *Federal Register* on December 9, 2019 (84 FR 67202). Since EPA has already adopted the rule designating aerosol cans as a universal waste, it is not necessary for the TCEQ to address any of the factors in 40 CFR § 273.81.

The TCEQ has the opportunity to provide timely relief to a large segment of the regulated waste community by reducing the regulatory requirements and the associated paperwork pertaining to handling aerosol cans as hazardous waste. The allegation of inequity is that hazardous waste generators in Texas are now burdened with the costs of handling aerosol cans as a hazardous waste. These same hazardous waste generators in at least five other states (California, Colorado, New Mexico, Ohio, and Utah) benefit from listing aerosol cans as a universal waste, putting Texas hazardous waste generators at an economic disadvantage. The TCEQ's adoption of listing aerosol cans as a universal waste eliminates this inequity.

A relatively simple amendment, a new clause (vi) would be added to 30 TAC §335.261(b)(16)(F).

**(vi) aerosol cans, as described in 40 CFR §273.6.**

Your prompt attention to this matter is greatly appreciated.

Sincerely,  
Kevin Bloomer

Principal Environmental Engineer  
Westlake Chemical Corporation  
2801 Post Oak Blvd, Ste. 600  
Houston, TX 77056

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